



## **COMMUNITY DEVELOPMENT DEPARTMENT**

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### **PLANNING COMMISSION MEETING MINUTES**

#### **REGULAR MEETING**

**OCTOBER 24, 2006**

**PRESENT:** Acevedo, Koepp-Baker, Davenport, Escobar, Lyle, Mueller

**ABSENT:** Benich

**LATE:** None

**STAFF:** Community Development Director (CDD) Molloy Previsich, Planning Manager (PM) Rowe, Senior Planner (SP) Tolentino, Contract Planner (CP) Bischoff, City Attorney (CA) Kern, Business Assistant and Housing Services Director (BAHSD) Toy, and Minutes Clerk Johnson.

Vice-Chair Escobar called the meeting to order at 7:02 p.m. and led the flag salute.

#### **DECLARATION OF POSTING OF AGENDA**

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

#### **OPPORTUNITY FOR PUBLIC COMMENT**

With no members of the audience indicating a wish to address matters not on the agenda, the time for public comment was closed.

#### **MINUTES:**

**SEPTEMBER 26,  
2006**

**COMMISSIONERS MUELLER/DAVENPORT MOTIONED TO APPROVE THE  
SEPTEMBER 26, 2006 MINUTES WITH THE FOLLOWING MODIFICATIONS:**

**Page 3, paragraph 2:** (add to the Resolution)

**SECTION 4: COMMISSIONERS ACKNOWLEDGE THAT THE HISTORIC  
CONTEXT STATEMENT IS A LIVING, WORKING DOCUMENT THAT MAY  
BE AMENDED FROM TIME TO TIME. TO THAT END, THE COMMISSION  
RECOMMENDS THAT THE DOCUMENT BE STATED IN FACTUAL TERMS  
AND THAT SOME OF THE MORE OPINIONATED STATEMENTS BE  
REMOVED FROM THE DOCUMENT.**

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**THE MOTION PASSED WITH THE FOLLOWING VOTES: AYES: ACEVEDO, KOEPP-BAKER, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: BENICH.**

**OCTOBER 10,  
2006**

**COMMISSIONERS MUELLER/KOEPP-BAKER MOTIONED TO APPROVE THE OCTOBER 10, 2006 MINUTES WITH THE FOLLOWING CORRECTIONS:**

**Page 1, paragraphs 2 & 3: ~~Mr. Oliver said he started the process of requesting some relief from the soft dead lines in June of this year, and more recently (due to the down turn in the real estate market) requesting relief from some of the hard deadlines, without the necessity of filing multiple applications for amending our development agreements. "I therefore seek to ask~~**

**Page 12, paragraph 7: ... emulate *emanate* for many other reasons – an actual slow down had not *yet* been seen.**

**THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: KOEPP-BAKER, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: ACEVEDO; ABSENT: BENICH.**

**PUBLIC HEARING:**

**1) GPA-05-02/  
ZA-05-03: TILTON-  
BARNICK**

A request for approval to change the General Plan land use designation and Zoning designation on an approximate 7.84-acre site from Single Family Low (1-3 du/ac) to Multi-Family Low (5-14 du/ac) and from R1-12,000 and R1-20,000 (Single Family Low Density Residential) to R2-3,500 (Medium Density Residential), respectively. The project site is located on the northwest corner of Tilton Ave. and Monterey Rd. A mitigated Negative Declaration is proposed.

SP Tolentino presented the staff report by providing a brief background of the site. Pointing to the applicant's Letter of Justification, which had been distributed, SP Tolentino noted the letter said the proposed amendment would:

- provide for additional housing type needed in the City
- allow for clustering with smaller lots/units
- provide housing affordable for young families in the location
- site is within walking distance to the most significant business parks

Having reviewed the request, SP Tolentino advised, staff did not support the request for a number of reasons:

- inconsistency with the General Plan; policies and action statements address properties located at the northern limits of Morgan Hill adjacent to County lands generally were created to promote continued agricultural uses in the county, minimize conflicts between ag uses and residential uses and provide acceptable land use transition
- feathering, which generally achieves a gradual transition in land use from urban to rural
- compatibility with ag uses
- residential density transition
- noise
- traffic circulation

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SP Tolentino noted that although Staff recommends denial of the requests, a Mitigated Negative Declaration and approval resolutions have also been prepared should the Commissioners decide to recommend Council approval of the General Plan Amendment and Zoning Amendment.

Commissioner Lyle asked for verification that if the Planning Commission wanted to make changes, they could actually go in and change the General Plan. SP Tolentino called attention to the resolution prepared for approval of the request wherein the Planning Commission would *recommend* changes to the General Plan.

*Disclosure:* Commissioners Acevedo, Koepp-Baker, Davenport, and Vice-Chair Escobar said they had each (individually) talked to the developer about this matter.

Vice-Chair Escobar opened the public hearing.

Bob Barnick, the applicant, said he had owned 25 Tilton Ave. since August 1989, and was actively working with Realtor John Telfer and Project Manager Vince Burgos on the plan for development.

Vince Burgos gave the orientation of the property and agreed the City does have a policy in the General Plan to feather from the City to Santa Clara County. Mr. Burgos, however, stated "This is a unique property – this has more urban issues than downtown with the nearby school and the railroad," Mr. Burgos said, "We have looked at the property several times in several different venues. The site plan is not generally looked at as integral to the General Plan, but in this case, we must have a General Plan change to be effective." Mr. Burgos referred to a previous site plan with a cluster effect about half way through the project. "Unfortunately with the current zoning we are only allowed to reduce [lot sizes] by 25%....The smallest issue we have is to design to the Santa Clara County line – the biggest impact will be on the east and west sides." Mr. Burgos went on to explain that he had looked at R-1 zoning advantage, and the R-2 isn't so much based on numbers but looking at approximately one-half of what is allowed on the site and doing it with single family residences, private drives, and condo single family units.

"This may not be the best," Mr. Burgos observed, "but we feel the options are best here in placement in this way." He detailed the project as:

- having 3 acres open space not counting front and back yards
- partial elimination of a sound wall by minimizing the number of units with frontage to the railroad
- no backing of units to property to the north
- sound containment within units
- yard (lawn) placement
- consistency with property in the general area (same zoning)
- as to the General Plan, Shea homes (located nearby) has zoning existing same as this request with buffering along Tilton avenue - same zoning requested here

John Telfer, 17045 Monterey Rd., spoke to the Commissioners saying, "General Plans are a difficult task for you to consider changing. We are asking you this night to find for reasonable residential density on this property. If we look at other cities in the Bay

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Area, we do find residential at a railroad. It is usually commercial. Here we are limited in depth for development with abutment of the elementary school on the other side.” Mr. Telfer also referenced the similar zoning in the Shea homes subdivision. Turning to a marketing standpoint, Mr. Telfer said, “It doesn’t make common sense to have a large lot with a large home abutting the railroad. We are looking for common sense for the zoning here.”

Commissioner Davenport asked Mr. Telfer when the last time this type of project density in the City had experienced rezoning to provide that density? Mr. Telfer said he could recall two – three within recent years.

Mr. Burgos added this type of project in an R-2 proposes a slightly higher end condo type of project – and stated there had been no recent action of this type building.

Noting that no other persons in attendance indicated a wish to speak to the matter, Vice-Chair Escobar closed the public hearing.

Commissioner Lyle indicated that while the presentations had been excellent, he did not think the request should be approved. “The picture presented may not be reflective of what will happen,” Commissioner Lyle said. “I voted against Mr. Garcia’s/Shea homes request at the time. I certainly understand the problems and I could think of some rezoning on the site, but not at this density.” Commissioner Lyle went on to speak of the potential traffic problems with ‘too high density in this area’.

Vice-Chair Escobar said, regarding the railroad, the question would be if the Tilton street crossing is still planned and if it will be an at-grade crossing? “Will Tilton remain an at-grade crossing,” Vice-Chair Escobar asked. PM Rowe said, “The answer to both issues is ‘yes’,” and went on to explain the north bound lane on Monterey is to be raised. “In the General Plan there had been consideration of a trade at Tilton for Madrone Parkway but the PUC said differently,” PM Rowe advised. Vice-Chair Escobar said he had information indicating that maybe the PUC is rethinking their previous stand and may consider other areas for proposing crossings. PM Rowe said the City Capital Improvement Program contains safety plans at Tilton, but may include a Madrone Parkway crossing in the future.

Discussion ensued regarding the Tilton/Monterey intersection and maintenance at the same present level or whether widening will occur. PM Rowe and Commissioner Mueller said they did not anticipate much happening at the Tilton crossing. Commissioner Mueller said, “It is just a matter of time until Madrone gets done then we can expect the railroad to downgrade some of the crossings. Commissioner Lyle noted that when the second track comes, it will most likely be on the west side and in looking at this property, this brings concerns of having the density this close to the railroad.

Commissioner Acevedo returned to the concern of feathering and stated his view that feathering would mean one house every 5 – 10 acres. “As we move toward the town

from the larger sites we will see it becomes smaller at this site, with commercial across the street and the railroad in between. The Shea homes BMRs come into play, and as we look at density, in my mind, feathering gets lost in view of the Shea project. The

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question is,” Commissioner Acevedo said, “is what are we trying to accomplish with feathering? This presents a buffer of two acres.” He continued by saying he would wonder if the zoning was PUD and the applicant presented a definite plan, if the General Plan change would be more palatable?

Commissioner Lyle said the Shea Homes lots are more than 12,000 sf and clarified that the first house seen in that subdivision was not a BMR (it is the third house).

Responding to Commissioner Mueller’s objection that feathering doesn’t start with five acres, Commissioner Acevedo said that had simply been an example.

Vice-Chair Escobar commented that what would be logical would be addressing the market slow down which was an agenda item for later in the meeting. “To some extent, if a property has unique issues, it would be prudent to help with a solution,” Vice-Chair Escobar said.

Commissioner Mueller was emphatic: “This request is for a General Plan change; we must proceed with caution.” He told of the history of some projects in the City saying, “There is no guarantee that the project presented will be what results. If it is rezoned, someone will build something.” Commissioner Mueller said he was having a problem with the R-2 density on the City boundary with San Jose, “I can’t see going to [multi-family]; if Tilton (railroad crossing) closes, the problem will be increased.”

Commissioner Acevedo indicated he tended to be swayed to the other side: with the proximity of the school, parents would be less likely have to drive students to the school. He said the idea would be to have houses clustered close to the school so he would rather see higher density at the site.

Commissioner Lyle indicated the school might not want higher density due to the high concentration of lower income students already enrolled.

Commissioner Mueller reiterated there was ‘zero guarantee’ that the project presented will ever be built.

Commissioner Davenport indicated an opinion that if the railroad was single or double tracked, this project equates to higher density housing and therefore it ‘makes sense for the density to be in the City’ but the current zoning presents some type of barrier.

Commissioner Lyle said an issue was the location of the proposed density adjacent to the railroad, which will require 12 – 14 ft soundwalls.

Commissioner Davenport said he was leaning toward putting an RPD on the site because this is not a ‘typical lot’.

Commissioner Lyle indicated it would be unlikely that if an RPD overlay was placed, it would result in 12,000 sf lots. “If you look at the argument, affordable housing for younger families would be better placed downtown. The rationale presented doesn’t hold water,” Commissioner Lyle perceived.

Commissioner Mueller spoke on the effects to the project when Tilton closes. He urged

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the Commissioners to send a 'message to San Jose and that message should be about open space'.

Vice-Chair Escobar said, "There were a number of ways to cross the tracks. It is not automatic the closing at Tilton will occur. However, we need to plan at present for an at grade crossing upgrade. But if there is to be double tracking, higher density housing closer to the railroad tracks would be better." Vice-Chair Escobar stressed the Commissioners must recognize that the subject property has some unique issues.

Commissioner Lyle highlighted that: "It would be 'wrong' to send a message that the General Plan could be easily changed. We need to keep to the General Plan."

Commissioner Mueller agreed, saying, "Going away from the General Plan sends a radical, wrong message." He added, "Taking that level of density to the edge of the City raises too many barriers."

Commissioner Koepp-Baker remarked, "The Coyote plan presents density why can't our City have density?"

Commissioner Mueller responded, "This is the wrong message. It is against the major guidelines of the General Plan.

Commissioner Acevedo asked to have the public hearing reopened to inquire of the applicant an opinion on an RPD.

Accordingly, Vice-Chair Escobar reopened the public hearing.

Mr. Burgos said the application had been made for the zoning amendment with a look at 58 units maximum on this property. "We are seeking flexibility for desirable elements which won't go away," Mr. Burgos announced. "The applicant will commit to the plan as presented."

Commissioner Acevedo asked, "If an RPD were to go with the R-2 overlay and the City Council agreed, would that be acceptable?" Mr. Burgos replied, "Absolutely."

Vice-Chair Escobar closed the public hearing.

PM Rowe interjected, "If the Commissioners plan an RPD overlay, it would be part of a zoning amendment. There is no need to amend policies; policies could be left in place with the recommendation."

**COMMISSIONERS ACEVEDO/KOEPP-BAKER MOTIONED TO APPROVE THE MITIGATED NEGATIVE DECLARATION AS PRESENTED. THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO KOEPP-BAKER, DAVENPORT, ESCOBAR; NOES: LYLE, MUELLER; ABSTAIN: NONE; ABSENT: BENICH.**

**COMMISSIONER ACEVEDO OFFERED A RESOLUTION RECOMMENDING APPROVAL OF AN AMENDMENT TO THE GENERAL PLAN LAND USE MAP AND THE COMMUNITY DEVELOPMENT**

**ELEMENT OF THE GENERAL PLAN TO CHANGE THE LAND USE DESIGNATION FOR A 7.84-ACRE SITE LOCATED AT THE NORTHWEST CORNER OF MONTEREY RD. AND TILTON AVE. FROM SINGLE-FAMILY LOW (1 – 3 DU/AC) TO MULTI-FAMILY LOW (5 – 14 DU/AC). NOTING THE FINDINGS AND CONDITIONS CONTAINED WITHIN THE RESOLUTION, COMMISSIONER KOEPP-BAKER SECONDED THE MOTION.**

Commissioner Lyle asked if a limitation on units should go on both the General Plan and zoning? Commissioner Lyle said he needed to comment on his disagreement that this is a ‘terrible action’; this means the General Plan carries a lot less weight and means less than in the past.

Commissioner Mueller indicated he thought it ‘absolutely wrong to approve this density on this property’. It is the wrong message regarding the General Plan and the wrong message to send to San Jose. Commissioner Mueller said, “This is setting a bad precedent for the City. This is completely a wrong way to do zoning.”

Vice-Chair Escobar perceived, “I understand the complications here and I think in recognition of - and understanding with – the concerns, I think what we do must be approached in a reasonable manner, The General Plan is held in high regard but amendments are possible with compelling reasons. I differ to the contrary that this will send a wrong message; Morgan Hill is not totally reactionary to an outside use in expressing items which need to be addressed.”

Commissioner Acevedo agreed, saying he looked forward to seeing a project such as this as he enters town.

Commissioner Mueller said, “The pretty picture means zero.”

Commissioner Lyle emphasized there will be a 12-14 ft sound wall because of the railroad.

Commissioner Koepp-Baker said, “This is not a cookie cutter lot and therefore, we cannot have a cookie cutter development.” She continued by saying that developers have said they are reluctant to come to the City as they say it is too difficult to do business. “We must change that perception,” Commissioner Koepp-Baker declared.

Commissioners discussed with staff: the necessity of inclusion/amendment into the motion language which includes policy amendments to the General Plan indicating there would be no policy change as the policies and action statements serve more as a guide.

**ACCORDINGLY, COMMISSIONER ACEVEDO AMENDED THE MOTION TO SAY THERE WOULD NOT BE AMENDMENTS TO THE GENERAL PLAN POLICY AND ACTION STATEMENTS. COMMISSIONER KOEPP-BAKER, AS THE SECOND PROCLAIMER, AGREED WITH THE LANGUAGE. THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO KOEPP-BAKER, DAVENPORT, ESCOBAR; NOES: LYLE, MUELLER – both of whom restated their objections as voiced during discussion; ABSTAIN: NONE; ABSENT: BENICH.**

**COMMISSIONERS ACEVEDO/KOEPP-BAKER OFFERED A RESOLUTION RECOMMENDING APPROVAL OF A ZONE CHANGE FROM R1(12,000) AND R1(20,000) SINGLE-FAMILY LOW DENSITY RESIDENTIAL TO R2(3,500)/RESIDENTIAL PLANNED DEVELOPMENT (RPD), TO CONTAIN AN OPEN SPACE AREA WITH A MAXIMUM NUMBER OF 58 UNITS, INCLUSIVE OF THE FINDINGS AND CONDITIONS STATED IN THE RESOLUTION.**

Vice-Chair Escobar suggested a minimum of two acres open space at north end of the property at the Santa Clara County line to buffer the Santa Clara County/San Jose areas.

Commissioner Davenport asked if the conceptual drawing in the distributed packet could be considered Exhibit B? [No, it is just that: conceptional]

CDD Molloy Previsich suggested it prudent to direct staff to work with the applicant to formulate parameters regarding development of the property.

**MAKERS OF THE MOTION, COMMISSIONER ACEVEDO AND COMMISSIONER KOEPP-BAKER, AGREED TO AN AMENDMENT IN THE WORDING TO BE DEVELOPED BY STAFF AND THE APPLICANT PRIOR TO THE CITY COUNCIL MEETING.**

*It was clarified that staff's amendment of wording was NOT to change the 58 units max, nor eliminate the open space area as stated in the prior motion.*

**THE MOTION PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO KOEPP-BAKER, DAVENPORT, ESCOBAR; NOES: LYLE, MUELLER – both of whom continued to object to the actions considered ; ABSTAIN: NONE; ABSENT: BENICH.**

**2) UPA-98-08:  
DEWITT-SONSHINE  
SCHOOL/  
PRESBYTERIAN  
CHURCH**

A request for approval to amend a use permit to allow a 3000+ sq. ft. parish hall addition to the Morgan Hill Presbyterian Church located at 16970 DeWitt Ave. The subject site is zoned R-1, 7000 Single-Family Medium Density.

PM Rowe gave the staff report, noting that the Morgan Hill Presbyterian Church is one of the few churches in the community that is a legal non-conforming use at this site, having never received a use permit under the current zoning requirements. He advised the Little Sonshine Preschool received a use permit in 1998 to operate a day care center on the site. If approved, PM Rowe said, this amendment would include the church, as well as the proposed addition to the church for a new youth education building.

PM Rowe called attention to the findings on page 2 of the distributed staff report. He then reported an e-mail received from an adjacent property owner (Anna Kic), who listed complaints primarily of drainage and expressing 'vehement opposition' to the proposed amendment. Staff does not think this proposal would unduly increase impacts to Ms. Kic's property. Responding to questions from the Commissioners, PM Rowe said the neighboring property is 124 feet from the proposed area of development, and the complaint centers on drainage.

Commissioner Mueller asked, as a result of the parking study, if any kind of condition for parking is planned for the site? PM Rowe responded, "The need for additional



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parking would be determined as part of the annual review of the conditional use permit.”

Vice-Chair Escobar asked if there were records of other complaints from Ms. Kic? [No]

Commissioner Lyle commented that if additional parking is needed, mention should be made in the use permit. PM Rowe said that was not totally necessary because of the annual review requirement, but it would not hurt to have it included as a condition.

Commissioner Mueller noted a parking management plan could be included in the resolution and if issues surface in the future, staff could trigger that plan.

Disclosure: Commissioner Mueller said he had spoken with the applicant about the project.

Vice-Chair Escobar opened the public hearing.

Charles D. Weston, 17500 Depot St., #120, architect for the project was present to answer questions and noted the attendance of the Pastor and a member of the congregation, who would also be able to answer questions.

Vice-Chair Escobar asked the members of the Church - relating to the complaint - whether the adjacent property owner has previously raised the issue with the church and whether an attempt to resolve the matter had been made.

Larry Coombs, 16970 DeWitt (Morgan Hill Presbyterian Church), said there was underground runoff at the end of the property which the correspondent noted. Mr. Coombs said the officers of the Church were aware of the problem and had tried repeatedly to resolve the issues.

Mark Inouye, Pastor, Morgan Hill Presbyterian Church, 16970 DeWitt, spoke to the Commissioners, saying he would add that the adjoining property referenced was originally part of the Church property. When Ms. Kic bought the property, everyone involved had knowledge that it was the lowest portion of the Church property. “We’ve been trying to help, but it has been there,” Reverend Inouye said, “this did not start naturally occurring recently.”

With no others present to speak to the matter, the public hearing was closed.

**COMMISSIONER MUELLER OFFERED A RESOLUTION APPROVING AN AMENDMENT TO A CONDITIONAL USE PERMIT TO ALLOW FOR CONTINUED USE OF THE MORGAN HILL PRESBYTERIAN CHURCH AND THE CONSTRUCTION OF A 3,384 SQ. FT. ADDITION LOCATED AT 19670 DEWITT AVE. IN AN R-1, 7,000 ZONING DISTRICT, WITH THE FOLLOWING MODIFICATIONS:**

- **Section 7 4**
- **(adding) item F to Section 4: Upon completion and occupancy of the building addition, should it be determined that the existing parking is insufficient, a parking management plan shall be developed by Church officials regulating use of the facilities. The management plan shall be**

**subject to review and approval of the Community Development.**

Commissioner Lyle suggested simply requiring additional parking.

**NOTING THE FINDINGS AND CONDITIONS INCLUSIVE IN THE RESOLUTION, COMMISSIONER ACEVEDO PROVIDED THE SECOND. THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; BENICH WAS ABSENT.**

Vice-Chair Escobar suggested that since the drainage was a matter of concern, he hoped there would be willingness to continue efforts at resolution. Church officials indicated that intent.

**3) ANX-06-01/  
ZA-06-01/USA-05-02:  
EDMUNDSON-OAK  
MEADOW PLAZA**

A proposed amendment to the Urban Service Area to include 34 acres of land, a proposed amendment to the Zoning Map to pre-zone 19 acres R-1 12,000 RPD and 15 acres Open Space, and the proposed annexation of the 34-acre area. The subject area is located on the west side of Sunset Ave. opposite Denali Dr., Yellowstone Dr., Whitney Way and Bryce Dr. These applications were previously considered by the Planning Commission and City Council earlier this year. The applications were tabled by the City Council with direction given to the applicant to meet with nearby property owners in an effort to resolve property development issues.

CP Bischoff gave the staff report.

Commissioner Lyle asked if Plan B was an option proposed by the applicant?. CP Bischoff responded that Plan B is based on recommendations from City staff. He also noted that this plan would result in several cul- de-sacs one of which would exceed the City's 600-foot length limitation.

Commissioner Lyle asked if the traffic volumes would be less with the proposed private streets. CP Bischoff said he did not believe there would be a significant reduction of traffic through the area; but there could be a traffic reduction of perhaps 5% due to the streets being private.

Vice-Chair Escobar opened the public hearing.

Barton Hechtman, 848 The Alameda, San Jose, attorney for the applicant, indicated he and his client had met with the neighboring residents on two occasions. He said that Plan A is a product of the input received from the residents at those meetings. He indicated that the applicant would like the Commission to approve Plan A. He further said that Plan B was developed in response to comments from City staff regarding the circulation pattern of Plan A. He said that the neighbors had not seen Plan B.

Bill McClintock, 16075 Vineyard Blvd., MH Engineering, said he had attended the meetings between the applicant and the neighbors. The neighbors made it clear they did not want any traffic through the neighborhood. He said he was confident Plan A would work. Mr. McClintock told the Commissioners that Public Works wants a 400-foot separation between streets. He explained the applicant's proposal to install a traffic signal at the intersection of Edmundson and the new street and an acceleration lane eastbound on Edmundson.

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Mr. McClintock provided further information regarding the grading that would be required to construct the new street to Edmundson. He said the cut depth on side of hill would not exceed 10 feet and that a 6-foot high retaining wall would be required on the west side of the new street.

Commissioner Mueller led discussion on the height of the road, determining it to be about 5% grade out 100 feet. The road would be built about 6 feet above Edmundson with a gradual slope. Mr. McClintock indicated intent to make the retaining wall decorative as it can be seen by the public. He also said the applicant is willing to put monument sign at the main entrance.

Mr. Hechtman explained the rationale for the proposed street connections in Plan B. He said that Denali was selected because it is a wider street and Bryce because it currently serves only 7 homes.

Bill Moreau, 415 Cascades Ct., told the Commissioners this has been going on for 8 – 9 months and that he had been to 5 - 6 meetings where differing items were discussed. Mr. Moreau said the neighbors had talked with the applicant's representatives and is concerned about the number of homes proposed, road access, concern as to steepness of open space, and the location and feasibility of the proposed road.

Commissioner Lyle clarified tht the neighbors appear to be equally acceptant of the two alternative locations for access to the subdivision. He also said the neighbors had been told there would be 20 - 30 houses, not 50 – 60. Commissioner Lyle speculated about the neighbors' reaction to Plan B, had they seen it.

Jeff Pedersen, 403 Cascades Ct., urged Commissioners to deny all three of the applications. "If you do go forward with approval(s), I recommend some alternative to Plan B," Mr. Pedersen said. He went on to explain that Plan B was not presented to the neighbors and that Plan A had received considerable opposition. Mr. Pedersen pointed out that in the Mitigated Negative Declaration, the section on transportation does not speak to the street exit proposed in Plan A. He further stated that the entrance street is proposed across private property which was not identified in the Urban Service Area application. As to circulation, it appears that what is contained in Plan B – and recommended by the City, would be preferred, he explained.

Discussion ensued regarding the following:

- number of units proposed relative to City Council discussions
- use of RPD zoning, and consider feathering of lot sizes
- neighbors appear to favor the elements of Plan B
- the number of cul-de-sacs to be provided [audience: multiple cul-de-sacs preferred]
- by general consensus, the neighbors believe exiting streets are adequate to handle the additional growth.

Valerie Ruiz, 16180 Sunset Ave., said that she would prefer the undeveloped space for equal access or using Denali and Bryce. Ms. Ruiz also indicted a preference for Plan B. Mr. Hechtman remarked that a majority of neighbors who participated in the meetings appeared to accept Plan A. However, the applicant is also willing to implement Plan B. Mr. Hechtman went on to say that he believed the proposed development provided

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feathering in that it provided 7,000 sf. subdivision lots near the Parkside subdivision and lots in excess of 12,000 sf. at the western edge.

Commissioner Lyle commented that the neighbors appear agreeable to Plan A, but if they have not seen Plan B, no one knows if it is acceptable to the neighbors.

Mr. Hechtman explained that he had taken to first meeting a proposal that included three points of connection to the existing subdivision. He said that there was so much hostility regarding those points of connection that we revamped the plan to provide access directly to Edmundson.

Commissioner Lyle pointed out that it is still unknown if the neighbors have opposition to the number of homes proposed.

Mr. Hechtman said that as far as he could ascertain, the biggest concern was traffic.

Commissioner Koepp-Baker asked if the applicant had secured access to Edmundson, citing testimony that the crossing of those properties had not been agreed upon. Mr. Hechtman responded the applicant has been in contact with those owners and there is belief that agreement can be reached.

Commissioner Acevedo referenced a letter allegedly sent from the homeowners on May 31 which contained no signatures, or mention of authority for the homeowners. Mr. Hechtman said Mr. Pedersen had e-mailed the letter to him and so it was subsequently distributed. "We had no doubt that the letter represented the consensus of the group." Mr. Hechtman reported. "The neighbors had their own meeting." Commissioner Acevedo noted that the letter seems to indicate a preference for Plan B. Commissioner Lyle joined the discussion by saying that during testimony, Mr. Pedersen says Plan B had *not* been presented to the neighbors.

Mr. Pedersen indicated that he had prepared the letter (referred to by Commissioner Acevedo) and that it represented the views of a number of the neighbors.

With no others present to address the matter, the public hearing was closed.

Vice-Chair Escobar questioned CP Bischoff regarding the part of the property at Edmundson and asked if it was not part of Mitigated Negative Declaration? CP Bischoff reported staff had looked to see if any impacts were not addressed – and did not find such. CP Bischoff went on to detail that Fehrs and Peers is currently updating the traffic study for the project to assess any potential impacts due to the new proposed street system. CP Bischoff further stated that neither he nor Fehr and Peers believe there would be any changes to the findings, but if so, an amended Mitigated Negative Declaration would have to be prepared for review by the Commission.

Commissioner Lyle pointed out the area needed to provide access to Edmundson is not included in the USA request and asked if that presented a problem to the project? CP Bischoff said that it did not.

Disclosure: Commissioner Mueller said he believed he had attended a portion of the first public meeting between the applicant and homeowners.

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Commissioner Acevedo clarified that the neighbor's previously opposed to having traffic from the proposed development use their streets. He felt that if that traffic were to be directed to Edmundson, and not through their streets, they would prefer Plan A.

Commissioner Lyle stated that reducing the number of houses to 50 from 60 would reduce traffic in the neighborhood. He added that directing all of the traffic from the development onto Edmundson may impact Monterey Road and/or Edmundson.

Commissioner Davenport said he had been trying to understand why the Commissioners were not talking about density. "I recall that the City Council appeared to think the proposed density was too high. I'm surprised at 50 houses being proposed. I thought there was more discussion regarding density than traffic," Commissioner Davenport said, and asked, "what are other Commissioners' positions on density?"

Vice-Chair Escobar reminded that the subject under discussion had fundamentally three components: those views represented the City, the applicant, and the neighbors. Two of those entities are – at the present – in favor of Plan A with Plan B being a manifestation of the City's wishes but not necessarily favored by the neighbors.

Commissioner Acevedo said that in reading the minutes from the City Council, a density increase from 20 houses to 50 may cause concern. Commissioner Davenport agreed, saying traffic would be affected, too. Commissioner Lyle indicated that if density is lowered, Plan A would be 'off the table'.

Commissioner Mueller inquired as to the City Council's anticipated results? CP Bischoff indicated staff was hoping to report favorably that a decision had been reached from the meetings. He said that the City Council had talked a lot about density and what would be acceptable. "I think the City would be willing to accept higher density if that is acceptable to the neighbors," CP Bischoff suggested.

Vice-Chair Escobar was asked to reopen the public hearing.

Commissioner Lyle asked Mr. Hechtman if the applicant would be willing to accept twenty houses as the maximum density? Mr. Hechtman said, "No. We've been working on this for a long time. Please remember, this is part of a much larger piece and the Plans have become the trade off. We have tried to be sensitive to the City and the neighbors. In all discussions with the City Council, we worked to determine what density would be appropriate for the traffic - that was purpose of meetings between the applicant and the neighbors." Mr. Hechtman continued by saying that the neighbors put forth 20 houses as a counterproposal. Mr. Hechtman repeated that 20 houses was not feasible, saying, "But here is an alternative roadway to keep traffic off the surface streets".

Commissioner Mueller cautioned that the traffic study 'may come back and say you cannot do that'.

Mr. Hechtman said that is a true statement but the initial report from Fehrs and Peers and an analysis Mr. McClintock indicate it can happen.

Commissioner Koepp-Baker cited the April 19 2006, City Council minute wherein 65

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lots with 50 - 51 units were discussed. Councilmember Tate had said that was too many and suggested 30 units was more likely to be acceptable.

Commissioner Mueller advocated working through details of the project 'given what the City Council directed and what neighbors said. "There is need for further refinement and knowing everyone is on the same page as much as possible. I'm not comfortable with where we are."

Vice-Chair Escobar called attention to page 25 of the staff report, noting the City Council talked of seeing up to 57 homes. "Now it appears we have differing opinions of density at the City Council level and perhaps we should not be suggesting approval," he said.

Commissioner Davenport said, regarding the subject of density, 50 units seems to be an excessive difference between what the Planning Commission was talking of (in the minutes) and what the City Council discussed at their meeting. Commissioner Davenport reminded that the City Council talked in range of 19 – 37 houses.

Commissioner Lyle said there had not been strong feedback from the community as they have not seen Plan B and therefore did not take action on Plan B. Commissioner Lyle acknowledged that from the testimony this night 'it is up in air as to what the neighborhood wants'. *Commissioner Lyle asked the applicant to evaluate how many fewer units could be built in plan B and still pencil out, since that alternative would have significantly reduced roadway and traffic signal costs.*

Commissioner Koepp-Baker suggested another concern was that the traffic issues have not been cleared up.

CDD Molloy Previsich observed that the Commissioners were in the middle of the public hearing process and had been presented with at least two alternatives to consider. She suggested it might be wise to continue the matter to a date certain. "As to density, last April, she said, the City Council amended the General Plan and clearly there is concern of traffic through the neighborhood as Councilmembers requested the applicant to work with the neighborhood for resolving the issue." CDD Molloy Previsich told the Commissioners she agreed they – and the neighborhood – now had different information from what the City Council had. "You could communicate with the community for greater understanding, but it is also ok to go ahead with work on the request," she said.

Vice-Chair Escobar reminded again that at this meeting, only the pre-zoning amendment for R-1, 12,000 and the RPD was being considered.

Commissioner Acevedo indicated that as to density, if he was correct in reading the City Council minutes, 60 would too much. It probably should be one acre lots feathered into half acre lots, he said. "If everything in the (City Council) minutes is talking about half acre lots, then that would put it at 40 dwellings - but not 60 or 20." Commissioner Acevedo said.

Commissioner Lyle announced, "One thing troubles me: if we take action on the basis of what we have, I want more input before sending a recommendation to the City

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Council so we can be in line with what we expect the Council might hear.”

Commissioner Mueller expressed concern that the Commission ‘is not doing their job of dealing with issues and trying to resolve issues’. “I think we need to invite the community and the developer in the near future and try to get a resolution of the issues.”

Vice-Chair Escobar asked staff to comment on a possible continuation continue to allow residents to have a presentation on Plan B, and asked what a reasonable date for hearing the matter would be.

CDD Molloy Previsich explained staff could send out Plan A and Plan B, encouraging neighborhood participation. CDD Molloy Previsich noted that Plan A had been presented and that the applicant has indicated willingness to implement Plan B.

Vice-Chair Escobar stressed Plan B was a suggested option by the City – and was prepared by the applicant in response to City wishes.

Commissioner Acevedo noted that the traffic study should be completed by that next meeting (in December) and would assist the Commission in being better able to make a recommendation.

Responding to a question from Commissioner Mueller, CA Kern said staff could send out a notice of the public hearing for both Plans.

**5) POLICY TO  
ESTABLISH  
SEPARATE  
DEVELOPMENT  
SCHEDULES FOR  
MONITORING OF  
MEASURE “C”  
PROJECTS,  
AMENDING  
DEADLINE DATES  
& ESTABLISHING  
SUBCOMMITTEE  
TO REVIEW  
SCORING FOR  
IMPACT FEES AND  
RELATED  
MATTERS**

**COMMISSIONERS MUELLER/ KOEPP-BAKER MOTIONED TO CONTINUE THE MATTER OF ANX-06-01/ZA-06-01/USA-05-02: EDMUNDSON-OAK MEADOW PLAZA TO A PUBLIC HEARING AT THE DECEMBER 12, 2006 PLANNING COMMISSION MEETING. THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; BENICH WAS ABSENT.**

*With the concurrence of the Commissioners present (Benich was absent), Vice-Chair Escobar declared item four moved to the final agenda item for the evening.*

PM Rowe reported a great portion of this matter was dealt with at the first Commission meeting in September 2006. He then called attention to Exhibit B of the standard Residential Development Agreement where the deadlines for various phases of the development are found. PM Rowe said most of the deadlines are proposed to be located in the separate schedule. Under the proposed policy, which would establish a separate development schedule for monitoring of Measure C projects and amend processing deadline dates for Measure C projects, would help for developers experiencing any delays to the deadline dates that could be amended by a resolution on the Commissioner’s regular consent calendar as opposed to the current process requiring adoption of an ordinance by the City Council. This method, he said, would be less costly and would not require noticed public hearings.

Interim or soft deadlines noticed in letters from developers (Dick Oliver's letter was cited) may cause a need to extend interim deadlines and/or provide the ability to ‘swap’ fiscal year building allotments between projects. PM Rowe noted the possibility of

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waiting until after the City election in November for decision making on these matters.

Explaining the rationale, PM Rowe said Measure F on the November 7 ballot would allow downtown project to advance the start of construction under their building allotments and projects outside of the downtown needing more time for completion could be involved in a 'swap' of fiscal year building allotments with downtown projects.

PM Rowe gave an overview of the Policies and Procedures presented whereby the policy will be established for separate development schedules for monitoring of Measure C projects and amending deadline dates for Measure C projects and advised staff will poll the developers as to the status of the projects. PM Rowe reported some responses (2) to letters distributed to the applicants/developers last month. He advised that staff will survey all applicants regarding the proposed amendments. PM Rowe recommended taking action on all extension of time requests at once, rather than piecemeal the requests individually.

Turning to the formation of a Measure C subcommittee; PM Rowe said the subcommittee would also address some of the scoring criteria relating to impact fees (Scott Schilling's letter regarding the increase in the school facilities fee was cited).

PM Rowe advised that both Mr. Oliver and Mr. Schilling had requested a workshop on the topic of impact fees. PM Rowe further recommended the subcommittee be appointed first to get a better understanding of the impact fee issue before a workshop is held with the full Commission. PM Rowe recommended the subcommittee begin meeting in January 2007, following appointment of the subcommittee in December 2006.

Commissioner Mueller asked if by adopting the policy and with implementation following, would allow continuation of the processing deadlines that are currently in effect for residential projects. PM Rowe responded yes and that the only thing different would be the commence construction (June 30) hard deadline would remain in each project's Development Agreement. PM Rowe advised that the final map submittal could become soft deadline if the Commissioners wish, but it is recommended it remain as a hard deadline in the separate development schedule adopted by resolution.

Commissioner Acevedo then asked what kinds of concerns might be anticipated from the survey of applicants/developers. PM Rowe turned to the letters included in the distributed packet which deal with the subject at hand (letter from Dick Oliver citing extended final map processing, etc.). "Others may have differing reasons for needing extensions of time," he said.

Commissioner Koepp-Baker asked when the subcommittee will take comments from all the developers. "What is our deadline?" she asked, expressing concern of the market slipping. PM Rowe responded that he will schedule the workshop early on after the first of the year.

Vice-Chair Escobar clarified the intent to appoint the subcommittee in December with staff providing a suggested calendar.



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Vice-Chair Escobar opened the public hearing.

Scott Murray said he thought it a great idea to establish the subcommittee. "However, when looking at soft and hard deadlines, I have a concern with giving extra (100) allotments to the downtown, noting fears such action would flood downtown with units and thereby destroy the market," Mr. Murray stated.

John Telfer, 17045 Monterey Rd., told Commissioners he was at the meeting in regards to two projects: Jasper Park, off Dunne Ave. and Viento, which fronts on Butterfield just west of the Central Park development. Mr. Telfer said he was confused between allotments swap. "I first thought transfer allotments were just to downtown and noted with these two projects, that are located outside of the downtown, there is interest in accelerating the build out, if possible," Mr. Telfer said. He noted thinking these projects will have different absorption rates compared to projects at the higher end of the market.

PM Rowe advised that the plan is for projects needing more time to build out because of the slowing housing market could swap their current fiscal year building allotment with another project's second or third fiscal year allotment.

Commissioner Lyle supported the notion, saying he thought 'work to be determined' can be dealt with in a transfer policy. Commissioner Lyle indicated thinking the allocations were not to be just to downtown – just those projects, regardless of location, that are willing and ready to proceed.

Commissioner Mueller suggested there could be some focus on downtown.

Craig Miott, 2532 Santa Clara Ave., #175, Santa Clara, indicated being puzzled by the language of the Policies and Procedures. "It is confusing and I have a hard time understanding it. I would like it to clearly indicate what the transfer process is and if a project can't proceed, what criteria would be used for transferring the allocations," Mr. Miott said.

Vice-Chair Escobar provided the rationale and propose of the subcommittee and the intent to have the workshop, and then proceed with implementation of the Policies and Procedures.

PM Rowe said the Commissioners were being prudent in not trying to work out all details at this time, but emphasized that the policy and procedures would be adopted following the Measure C subcommittee recommendations and the workshop with applicants and developers.

Mr. Miott said he would be in favor of the proposal if the developers had input.

Commissioner Lyle referred to the need of addressing the problem of developers not performing. "In the last quarterly report only 5 of 18 projects receiving allotments by 3/01/05, had so far obtained Final Map approval. This is at least 19 months after getting allotments and unacceptably late," Commissioner Lyle said. "I have concerns that the developers are not working upfront so some number of projects get allocations, and the developers just sit on them. There is need for dates specific," he said. "Having one date

for under construction is not enough. We need something else up front.”

**COMMISSIONER MUELLER OFFERED THE MOTION TO ADOPT POLICIES AND PROCEDURES PRESENTED, WHEREBY THE POLICY WILL BE ESTABLISHED FOR SEPARATE DEVELOPMENT SCHEDULES FOR MONITORING OF MEASURE C PROJECTS AND AMENDING DEADLINE DATES FOR MEASURE C PROJECTS, INCLUDING A STATEMENT THAT THE FINAL MAP SUBMISSION IS TO BE A ‘HARD DATE’.**

Commissioner Mueller said it was important to set policy and address concerns of the current market.

Responding to brief discussion of specific topics on the matter, Vice-Chair Escobar said he was assuming these issues would be resolved by the subcommittee and in workshops.

**COMMISSIONER KOEPP-BAKER SECONDED THE MOTION, WHICH PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: BENICH.**

**6) MULTI-FAMILY  
VACANCY RATE  
REPORT**

Bi-annual review of apartment vacancy rate as required in accordance to the City of Morgan Hill Municipal Code, Chapter 17.36.

PM Rowe presented the staff report which has been revamped from prior surveys and now includes comparisons to April and October of the current year. PM Rowe explained the purpose of the report and the City’s Subdivision Ordinance condominium conversion requirement. Under the Subdivision Ordinance, rental apartments cannot be converted ownership condominium unit when the apartment vacancy rate is less than 5 percent. PM Rowe then called attention that at present the apartment vacancies have dropped since April and remain below 5 percent.

**COMMISSIONERS MUELLER/KOEPP-BAKER MOTIONED TO ACCEPT THE SURVEY RESULTS WHICH ESTABLISH THE VACANCY RATE FOR OCTOBER 2006 AT 2.58%. THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; BENICH WAS ABSENT.**

**7) HOLIDAY  
MEETING SCHEDULE**

PM Rowe gave the staff report, saying that the Commissioners were being asked to review and discuss the meeting schedule for November and December. Having the Commissioners make the decision for schedule would provide the ability to notify applicants of the upcoming meeting dates and the scheduling of projects for Commissioners’ review in accordance with any adjusted meeting schedule, he said.

**COMMISSIONERS MUELLER/ DAVENPORT MOTIONED TO CANCEL THE NOVEMBER 28, 2006 AND THE DECEMBER 26, 2006 PLANNING COMMISSION MEETINGS, AS PART OF THE HOLIDAY SCHEDULE.**

**THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF**

**ALL COMMISSIONERS PRESENT; BENICH WAS ABSENT.**

*Agenda item 4 was taken up at this time, having been postponed from earlier in the meeting.*

*Commissioner Acevedo was excused at 10:13 p.m. due to a potential conflict of interest with this item which addresses property nearby Main and Monterey where he will soon have a business.*

*Commissioner Koepp-Baker and Vice-Chair Escobar each read statements regarding individual property ownership of single-family dwellings in the area, noting these are privately owned homes, but that each Commissioner affected qualify for an exception to the 500-foot rule. The City Attorney has advised that because (1) there are more than 5,000 residents in Morgan Hill who also reside in the Project Area and (2) those residents would be impacted in the same manner as the two Commissioners by the action before the Commission, they do indeed qualify for what is called the 'Public Generally Exception'. Consequently, Commissioner Koepp-Baker and Vice-Chair Escobar each stated they would participate in this item.*

**4) REVIEW OF  
FINAL PROGRAM  
EIR AND  
RECOMMENDA-  
TION FOR  
CERTIFICATION  
AND  
DETERMINATION  
OF THE  
AMENDED  
REDEVELOPMENT  
PLAN'S  
CONSISTENCY  
WITH THE  
GENERAL PLAN**

CDD Molloy Previsich gave the staff report, providing a brief overview of the item. She also called attention to the attendance of BAHSD Toy and the two consultants who had worked on the project. She said the document provided included:

- final responses to comments to the EIR, with the Final EIR now ready for transmittal to the City Council for certification (EIR comments from the Public Hearing totaled six letters; comments did not raise any new issues requiring mitigations)
- map of a new alternative: Cochrane Plaza Shopping Mall may be retained or removed from the project area
- addition of a 5<sup>th</sup> amendment, dealing with Eminent Domain Authority over non-residential portion of the area for possibly 12 years

Commissioner Mueller asked BAHSD Toy to comment on the 'split amendment' to address Cochrane Business Park potential detachment. Specifically, he asked if the owner of the property had to attract another manufacturing client - what would be the ramifications if it wasn't in the RDA project area? BAHSD Toy responded with an explanation. Commissioner Mueller commented that the life of program goes over 20 years and therefore losing a large manufacturer in the Business Park, could produce difficulty if it was out of the project area.

BAHSD Toy explained that by detaching some area, more money would go into the City's General Fund.

Commissioner Mueller asked for explanation of economic revitalization.

Vice-Chair Escobar opened, then closed, the public hearing with no persons responding to an invitation to speak to the matter.

Responding to further questions from Commissioner Mueller, BAHSD Toy gave an overview of the potential projects – and categories – listed. In some cases, he said, the categories were listed in the five year implementation plan. Vice-Chair Escobar noted

that the categories have findings specific to the project(s).

Attention was directed to page 2, amendment 4, and page 4, the 3rd paragraph from the top of the page with discussion following.

Commissioner Koepp-Baker asked, "What constitutes blight – and asked if it is satisfactory addressed in the findings?

Commissioner Lyle advised that when he read through some of the statement about 'very low income housing to be provided' he became alarmed. However, he had inquired of BAHSD Toy and gotten a response which alleviated his fears.

Commissioner Lyle also provided information of a document which will be provided to all the Commissioners titled: Morgan Hill RDA Implementation Plan. Commissioner Lyle was generous in praise of the document by Mr. Toy's department.

The mitigation measure for a comprehensive traffic study every five years was discussed in depth, with CDD Molloy Previsich advising the traffic study references was not necessarily in conjunction with land use applications, but a City-wide model kept up to date every five years. CDD Molloy Previsich explained the intent – to build a capital improvement and implementation program with the timing of traffic improvements with the highest and best available data. Commissioner Mueller asked if RDA funding can be used for the study? [Yes]

Commissioner Mueller expressed concern over having an updated model every five years. CDD Molloy Previsich reminded that the City will have the VTA traffic model currently being developed as part of the South County Circulation Study.

Commissioner Lyle explained the housing requirement(s). The Commission then adopted motions related to the overall resolution presented for adoption.

**COMMISSIONER MUELLER/ VICE-CHAIR ESCOBAR MOTIONED TO RECOMMEND CERTIFICATION OF THE FINAL PROGRAM ENVIRONMENTAL REPORT FOR THE OJO DE AGUA REDEVELOPMENT PROJECT. THE MOTION PASSED WITH THE FOLLOWING (3-2-1)VOTE: AYES: KOEPP-BAKER, ESCOBAR, MUELLER; NOES: DAVENPORT, LYLE; ABSTAIN: NONE; ABSENT: ACEVEDO, BENICH.**

**COMMISSIONER MUELLER/VICE-CHAIR ESCOBAR MOTIONED TO APPROVE THE TWO PROPOSED ALTERNATIVE DETACHMENT AREAS, BOTH OF WHICH WOULD REDUCE THE EXISTING BOUNDARIES OF THE OJO DE AGUA COMMUNITY DEVELOPMENT PROJECT AREA. THE MOTION PASSED WITH THE FOLLOWING (3-2-1): VOTE AYES: KOEPP-BAKER, ESCOBAR, MUELLER; NOES: DAVENPORT, LYLE; ABSTAIN: NONE; ABSENT: ACEVEDO, BENICH.**

**COMMISSIONER MUELLER/VICE-CHAIR ESCOBAR MOTIONED TO APPROVE THE PROPOSED AMENDMENT NO. 4 TO THE OJO DE AGUA COMMUNITY DEVELOPMENT PROJECT AS BEING CONSISTENT WITH THE CITY OF MORGAN HILL GENERAL PLAN. THE MOTION PASSED**

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**WITH THE FOLLOWING (3-2-1) VOTE AYES: KOEPP-BAKER, ESCOBAR, MUELLER; NOES: DAVENPORT, LYLE; ABSTAIN: NONE; ABSENT: ACEVEDO, BENICH.**

**COMMISSIONERS MUELLER/LYLE MOTIONED TO APPROVE THE PROPOSED AMENDMENT NO. 5 TO THE OJO DE AGUA COMMUNITY DEVELOPMENT PROJECT AS BEING CONSISTENT WITH THE CITY OF MORGAN HILL GENERAL PLAN. THE MOTION PASSED (4-1-1) AS FOLLOWS: AYES: KOEPP-BAKER, ESCOBAR, LYLE, MUELLER; NOES: DAVENPORT; ABSTAIN: NONE; ABSENT: ACEVEDO, BENICH.**

**ANNOUNCEMENTS:** CDD Molloy Previsich said a report of City Council actions would be reported at the next meeting.

**ADJOURNMENT:** As there was no further business to come before the Planning Commission on this night, Vice-Chair Escobar adjourned the meeting at 10:30 p.m.

**MINUTES PREPARED BY:**

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**JUDI H. JOHNSON, Minutes Clerk**